

2. Title

Ozone Nonattainment and Maintenance Areas: General Requirements

3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require the rule:

R307-325 establishes general requirements for control of volatile organic compounds, a precursor to ozone, in any ozone nonattainment or maintenance area. The rule is required under the state implementation plan for ozone that is incorporated by reference under R307-110-13. The plan is required by the Clean Air Act, 42 U.S.C. 7410, to maintain the federal health standard for ozone. Subsection 19-2-104(1)(a) authorizes the Air Quality Board to make rules "...regarding the control, abatement, and prevention of air pollution from all sources and the establishment of the maximum quantity of air contaminants that may be emitted by any air contaminants source. . ." Subsection 19-2-101(2) states "It is the policy of this state and the purpose of this chapter to achieve and maintain levels of air quality which will protect human health and safety. . ."

4. A summary of written comments received during and since the last five-year review of the rule from interested persons supporting or opposing the rule:

R307-325 has been amended twice since the last five-year review. FIRST AMENDMENT: DAR No. 28544, effective 6/16/2006 and no comments were received during the comment period. SECOND AMENDMENT: DAR No. 29003, effective 03/9/2007 four comments were received. COMMENT # 1(EPA): Proposed deletion of generic RACT provisions from prior version "R307-325-2 Existing Sources": While EPA said these provisions were not required as part of the 1-hour ozone SIP, EPA did approve them into the SIP. Thus, the State will need to demonstrate that deletion of these provisions will not interfere with attainment, maintenance, or any other requirement of the CAA, per section 110(1) of the CAA. If all sources potentially subject to the rule were controlled through adoption of specific RACT provisions, this demonstration would consist of a simple certification to that effect. Please note that any analysis should consider pollutants other than ozone, such as PM₁₀ and PM_{2.5}. STAFF RESPONSE. The generic RACT provisions in R307-325 describe Utah's initial approach to address RACT for the ozone maintenance plan. EPA did not accept this approach, and so source-specific VOC RACT determinations were made for major VOC sources. Source-specific NO_x RACT determinations were made for two major NO_x RACT sources and a NO_x RACT waiver was granted for all remaining sources. The generic RACT provisions in R307-325 have never been applied to any source, and deletion of the language will not interfere with attainment, maintenance, or any other requirement of the CAA. The State of Utah certifies that that all sources potentially subject to this rule were controlled through source-specific RACT determinations, or were addressed by the NO_x RACT waiver that was granted in 1997. COMMENT #2 (Wasatch Clean Air Coalition): This language (in R307-325) confused me; it seemed to imply that the purpose of RACT was to result in evaporation. Possibly it would be clearer if changed to "...result AFTER the application of. . ." from "...result from the application. . ." STAFF RESPONSE. Staff agree and made needed changes to the rule text. COMMENT #3(EPA): In the last sentence which states "...control technology that is reasonably available considering technological and economic feasibility." It would be more appropriate to state instead "...reasonably available control technology (RACT)," as this is the term used in the CAA. STAFF RESPONSE. Staff agree and made needed changes to rule text. COMMENT #4 (Wasatch Clean Air Coalition): Several staff members have commented that although Utah rule requires sources with VOC contaminated rags to keep such rags covered, transporters and launderers of these VOC laden rags are not required by rule to keep them covered.

Please add language that clarifies that transport & laundering of VOC laden rags is subject to the Ozone Provisions. STAFF RESPONSE. The ozone RACT rules have been an effective part of the overall plan to bring the area into attainment. If future ozone problems occur then all of the ozone control strategies will be reviewed to identify the most effective ways to further reduce VOC emissions. No changes to the rules have been made at this time to increase the stringency of the rules. No other comments were received about this rule since the last review.

5. A reasoned justification for continuation of the rule, including reasons why the agency disagrees with comments in opposition to the rule, if any:

The rule is required under the state implementation plan for ozone, incorporated by reference under R307-110-13. The plan is required under the Clean Air Act, 42 U.S.C. 7410; without the state plan, EPA would be required to impose a Federal Implementation Plan.

6. **key words:** air pollution, emission controls, ozone, RACT

7. **attach document.**

Agency head or designee, and title

Date

M. Cuyler

3-23-07